

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Takashi OKADA, et al. Confirmation No.: 6540
Appl. No. : 10/554,246
Filed : October 25, 2005
Title : GENE INTRODUCTION EFFICIENCY ENHANCER

TC/A.U. : Not Assigned Yet
Examiner : Not Assigned Yet

Docket No.: OKAD3006/REF
Customer No: 23364

**RESPONSE AND SUBMISSION OF MISSING PARTS OF APPLICATION
HAVING BEEN GRANTED FILING DATE**

MS MP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated June 12, 2007, in connection with the above-identified application. This response is timely filed.

The Official Action acknowledges receipt of the application and the required translation, but indicates that an additional claims fee of \$460.00 as a non-small entity is required. Applicants submit herewith the required additional claims fee in the amount of \$460.00 and the serial number and filing date are provided above and are given on attached form PTO-1533. Authorization is also provided to charge any excess required fees or credit any overpayment to Deposit Account No. 02-9200.

It is further indicated that the application fails to comply with the requirements for the reasons set forth on page 2 of the outstanding Official Action and the accompanying Raw Sequence Listing Error Report. As clearly set forth in the record, the present application was originally filed with a paper copy of the sequence listing. A notice to file the required computer readable form of the sequence issued and a complete response to this was filed on December 11, 2006, which included the required computer readable form, the appropriate amendment, statement and further copy of the sequence listing.

Appl. No. 10/554,246
Response dated: July 12, 2007
Reply to OA of: June 12, 2007


The outstanding Official Action notes a raw sequence listing error in the definition of Xaa. Applicants have corrected the error identified on page 1 of the Raw Sequence Listing Error Report and submit herewith the corrected Sequence Listing paper, corresponding CRF and required Statement as required. Please enter the CRF, Statement and printed Sequence Listing in the file of this application.

More particularly, the formula in the sequence listing at line 42 is NH₂C(CHCH₃)COOH which has been objected to as improper. In a telephone conversation with Mr. Spencer of the USPTO, Mr. Spencer suggested that this should be amended to "any natural occurring amino acid" which would be acceptable for a compliant computer readable form. This is the correction contained on the submitted CRF and sequence listing.

Although this specific language is not found in the specification, it is believed to be supported by the overall teaching of the specification as originally filed as it would be interpreted by one of ordinary skill in the art to which the invention pertains.

It is believed that the application is now in condition for examination. Accordingly, Applicants most respectfully request that the application be forwarded to the appropriate examining group for its examination.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
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ResponsetoNTFMP.wpd

July 12, 2007

07/16/2007 GFREY1 00000131 10554246

01 FC:1615 100.00 DP
02 FC:1616 360.00 DP



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/554,246	Takashi Okada	OKAD3006/GAL

INTERNATIONAL APPLICATION NO.

PCT/JP04/05166

I.A. FILING DATE	PRIORITY DATE
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04/09/2004

04/25/2003

23364

BACON & THOMAS, PLLC
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 ALEXANDRIA, VA 22314

Date 6/15/07 Atty GALAction Due ResponseDeadline 7/12/07Final Deadline 7/12/07

Based on _____

CONFIRMATION NO. 6540

371 FORMALITIES LETTER



OC000000024315391

Date Mailed: 06/12/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 10/25/2005
- English Translation of the IA filed on 12/11/2006
- Copy of the International Search Report filed on 10/25/2005
- Copy of IPE Report filed on 10/06/2006
- Preliminary Amendments filed on 03/29/2006
- Information Disclosure Statements filed on 02/01/2006
- Biochemical Sequence Diskette filed on 12/11/2006
- Oath or Declaration filed on 12/11/2006
- Request for Immediate Examination filed on 10/25/2005
- U.S. Basic National Fees filed on 10/25/2005
- Priority Documents filed on 10/25/2005
- Power of Attorney filed on 12/11/2006
- Specification filed on 10/25/2005
- Claims filed on 10/25/2005
- Abstracts filed on 10/25/2005
- Drawings filed on 10/25/2005
- Paper nucleotide sequence listings filed on 10/25/2005



Applicant's response filed 12/11/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/10/2006 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$460 as a non-small entity, including any required multiple dependent claim fee,

are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$460 for a Large Entity.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$ 460

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,246	PCT/JP04/05166	OKAD3006/GAL